

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

EMPLOYEE PAINTERS' TRUST HEALTH &  
WELFARE FUND,

Plaintiff,

vs.

HOUSTON CORPORATION, a foreign  
corporation,

Defendant.

CAUSE NO.: CV5-1311RSM

STIPULATION, JUDGMENT AND  
ORDER

**Clerk's Action Required**

Defendant Houston Corporation, a foreign corporation (Employer) stipulates to Judgment in favor of Plaintiff Employee Painters' Trust Health & Welfare Fund (Trust Fund), and stipulates that the Court may enter Judgment as follows:

**SUMMARY OF JUDGMENT**

1. Judgment Creditor: Employee Painters' Trust Health & Welfare Fund
2. Judgment Debtor: Houston Corporation
3. Contributions: \$21,909.94
4. Liquidated Damages: \$6,843.01
5. Interest: \$644.08
6. Costs: \$365.00
7. Attorney's Fees: \$1,000.00
8. Post-Judgment Interest: 12% per annum

9. Attorney for Judgment Creditors: Robert A. Bohrer  
Ekman, Bohrer & Thulin, P.S.  
220 W. Mercer St., Ste. 400  
Seattle, WA 98119

10. Defendant Employer hereby stipulates to judgment in favor of Plaintiff Trust Fund in the amount \$30,762.03, representing contributions covering the period May through July 2005 in the amount \$21,909.94, liquidated damages in the amount \$6,843.01, interest in the amount \$644.08, costs in the amount \$365.00 and attorney fees in the amount \$1,000.00, for a total amount owing of \$30,762.03 and does hereby authorize the Court to enter Judgment against Defendant Employer and in favor of Plaintiff Trust Fund, without further notice or opportunity to be heard. This Stipulation and Judgment is for money justly due and owing to Plaintiff Trust Fund arising out of that certain labor agreement between Defendant Employer and the Union which contract requires the payment of fringe benefit contributions and ancillary charges to Plaintiff Trust Fund. The Judgment amount is based on unfunded report forms.

11. This Stipulation is based on representations by the Employer. The Trust Fund has not audited or otherwise verified the accuracy of the Employer's reports of contributions due. The Employer understands that the Trust Fund therefore reserves the right to pursue additional claims that may be discovered in the future.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Authorized Representative of Houston Corporation,  
a foreign corporation

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9 Attorney for Plaintiffs

8 **ORDER**

9 Pursuant to the Stipulation of the parties, and otherwise being generally advised, it is  
10 hereby

11 **ORDERED** that Plaintiff Trust Fund be awarded Judgment against Defendant Employer  
12 representing delinquent fringe benefit contributions covering the period May through July 2005  
13 in the amount \$21,909.94, liquidated damages in the amount \$6,843.01, interest in the amount  
14 644.08, costs in the amount \$365.00, and attorney's fees in the amount \$1,000.00, for a total  
15 amount owing of \$30,762.03.

16 **IT IS FURTHER ORDERED** that such Judgment be deemed a final Judgment  
17 pursuant to CR 54(b) and there is no just reason for delay in entry of such Judgment on Plaintiff  
18 Trust Fund's claim herein.

19 **IT IS FURTHER ORDERED** that if a payroll audit has not been conducted for the  
20 time period covered by this Judgment, Plaintiff Trust Fund reserves the right to later claim  
21 additional amounts for the period, covered by this Order in the event additional amounts are  
22 disclosed in the future.

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1           **IT IS FURTHER ORDERED** that this Judgment shall accrue interest on the total  
2 unpaid balance at the rate of 12% per annum.

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4           DATED this 11 Day of October, 2005.

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8           RICARDO S. MARTINEZ  
9           UNITED STATES DISTRICT JUDGE

10  
11 Presented by:

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